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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
TERRANCE McNICHOLS,
Defendant.

Case No.: 2:07-cr-00130-RCJ-VCF

**ORDER GRANTING
STIPULATION TO CONTINUE
HEARING REGARDING
REVOCATION OF SUPERVISED
RELEASE
(Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Stephanie Ihler, Assistant United States Attorney, counsel for the United States of America, and Telia Mary U. Williams, counsel for Terrance McNichols, that the hearing regarding revocation of supervised release, currently scheduled for December 15, 2020 at 2:30 pm, be vacated and set to a date and time convenient to this Court, but no sooner than sixty (60) days. **The parties are amenable to a date and time of February 16, 2021 at 2:30pm for the hearing.**

1 The Stipulation is entered into for the following reasons:

2 1. Counsel for the defendant is looking to have out-of-state witnesses for the
3 defendant's probation revocation hearing, who will need additional time to travel to Las Vegas,
4 Nevada, for the hearing, making the December 15, 2020 date less feasible than before, due to
5 precautions being re-instituted for Covid-19, which may affect the witnesses' ability to return
6 home after being in Las Vegas;

7 2. In addition, Counsel for the defendant has retained a mental health expert who
8 requires additional time to evaluate the defendant, both in terms of a defense, and in the
9 defendant's ability to assist counsel;

10 3. The defendant is in custody, but does not object to the continuance.

11 4. The Government does not object to the continuance.

12 5. The United States Probation Officer assigned to this matter, Matthew Martinez,
13 does not object to the continuance.

14 6. The additional time requested herein is not sought for purposes of delay, but to
15 allow defendant sufficient time within which to prepare for the hearing.

16 7. Denial of this request for continuance could result in a miscarriage of justice.
17 The additional time requested by this Stipulation is excludable in computing the time within
18 which the hearing herein must commence pursuant to the Speedy Trial Act, Title 18, United
19 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
20 Section 3161(h)(7)(B)(i), (iv).

21 8. The parties are amenable to a date and time of February 16, 2021 at 2:30pm for
22 the rescheduled hearing.

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1 This is the second stipulation to continue filed herein.
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DATED this 7th day of December, 2020.

4 LAW OFFICE OF TELIA U. WILLIAMS

5 NICHOLAS TRUTANICH
6
7 United States Attorney

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10 /s/ *Telia Mary U. Williams*
11 By _____
12 TELIA MARY U. WILLIAMS
13 Counsel for Terrance McNichols

14 /s/ *Stephanie Ihler*
15 By _____
16 STEPHANIE IHLER
17 Assistant United States Attorney

18
19
20 By /s/ *Matthew Martinez* _____
21 MATTHEW MARTINEZ
22 United States Probation Officer

**UNITED STATES DISTRICT COURT
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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant is looking to have out-of-state witnesses for the defendant's probation revocation hearing, who will need additional time to travel to Las Vegas, Nevada, for the hearing, making the December 15, 2020 date less feasible than before, due to precautions being re-instituted for Covid-19, which may affect the witnesses' ability to return home after being in Las Vegas;

2. In addition, Counsel for the defendant has retained a mental health expert who requires additional time to evaluate the defendant, both in terms of a defense, and in the defendant's ability to assist counsel:

3. The defendant is in custody, but does not object to the continuance.

4. The parties agree to the continuance, as does the United States Probation Officer assigned to this matter:

5. The additional time requested herein is not sought for purposes of delay, but to allow the defendant sufficient time within which to prepare for the hearing.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the hearing herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

7. The parties are amenable to a date and time of February 16, 2021 at 2:30pm for the rescheduled hearing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy hearing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the hearing, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the hearing regarding revocation of supervised release currently scheduled for December 15, 2020, at the hour of 2:30pm, be vacated and continued to Tuesday, February 16, 2021 at 2:30 p.m. Las Vegas Courtroom TBD.

DATED this 8th day of December, 2020.

UNITED STATES DISTRICT JUDGE